

FACTSHEET

TITLE: **LETTER OF APPEAL** filed by Alyson A. Dreyer, appealing Resolution No. PC-00834, adopted by the Lincoln City-Lancaster County Planning Commission approving **WAIVER NO. 03013**, requested by J.D. Burt of Design Associates of Lincoln on behalf of Alan and Lisa Sasek, for a modification to §26.23.140 of the Land Subdivision Ordinance, to allow lots to exceed the width-to-depth ratio on Lots 2 and 3, Simons 1st Addition, generally located at S. 43rd Street and South Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/12/03
Administrative Action: 11/12/03

RECOMMENDATION: Approval (5-3: Larson, Bills-Strand, Duvall, Krieser and Steward voting 'yes'; Carlson, Marvin and Taylor voting 'no').

STAFF RECOMMENDATION: Approval

FINDINGS OF FACT:

1. This waiver request is associated with the Simons 1st Addition Final Plat. This request to modify the lot depth-to-width ratio requirements of § 26.23.140 of the Land Subdivision Ordinance is to allow an appropriate infill development subdividing a large lot to increase density and use existing infrastructure.
2. The staff recommendation to approve the waiver is based upon the "Analysis" as set forth on p.7, concluding that the waiver is acceptable and allows for increased density.
3. The applicant's testimony is found on p.9-10, pointing out that this infill project adds 2 single family homes and thus should not have an impact on the traffic in the area.
4. Testimony in opposition is found on p.10-11, and the record consists of 13 letters/emails in opposition (p.17-29). The concerns of the opposition include: the existing large lots provide a buffer from traffic noise on South Street and Normal Boulevard; impact upon density and traffic; sewer and water capacity; increased runoff; decreased property values and resale value; and setting a precedent.
5. The applicant's response to the opposition is found on p.11, pointing out that under the regulations, the owner could create these two lots with two attached units on each lot, with only administrative approval, but their preference is to develop two single family homes.
6. The Planning Commission discussion is found on p.11-12.
7. On November 12, 2003, the majority of the Planning Commission agreed with the staff recommendation and voted 5-3 to adopt Resolution No. PC-00834 (p.4-5) approving the waiver request (Commissioners Carlson, Marvin and Taylor dissenting). See Minutes, p.12. Two of the dissenting Commissioners suggested that more information on the design would be desirable.
8. On November 24, 2003, Alyson A. Dreyer filed a letter of appeal (p.2).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 1, 2003

REVIEWED BY: _____

DATE: December 1, 2003

REFERENCE NUMBER: FS\CC\2003\WVR.03013 Appeal

Alyson A. Dreyer
4245 South Street
Lincoln, NE 68506

November 25, 2003

City Clerk
555 N. 10th Street
Lincoln, NE 68508

To Whom it May Concern:

This is a Letter of Appeal to the City Clerk concerning Waiver No. 03013.

I am making this appeal within 14 day from the date of action by the Planning Commission. The Waiver was approved by the Planning Commission on November 12, 2003 with a 5-3 vote.

I await notice from your office concerning the introduction and hearing information.

Sincerely,



Alyson A. Dreyer

Cc: Jon Camp
Jean Walker

FILED
CITY CLERK'S OFFICE
03 NOV 24 PM 8 46
CITY OF LINCOLN
NEBRASKA

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : November 14, 2003

RE : **Waiver No. 03013**
(Simons 1st Addition final plat - S. 43rd Street and South Street)
Resolution No. PC-00834

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, November 12, 2003:

Motion made by Duvall, seconded by Bills-Strand, to approve **Waiver No. 03013**, requested by Alan and Lisa Sasek, for a modification to §26.31.010 of the Land Subdivision Ordinance, to allow lots to exceed the width-to-depth ratio on Lots 2 and 3, Simons 1st Addition, generally located at S. 43rd Street and South Street. Motion for approval carried 5-3: Larson, Bills-Strand, Duvall, Krieser and Steward voting 'yes'; Carlson, Marvin and Taylor voting 'no').

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
J.D. Burt, Design Associates, 1609 N Street, 68508
Alan and Lisa Sasek, 3711 Faulkner Drive, Apt. 305, 68516
Kevin Bernadt, 40th & "A" N.A., 4140 Washington Street, 68506
40th & "A" Neighborhood Assn., c/o LMEF, 4600 Valley Road, 68510
Lucy A. Anschutz, 4140 Normal Blvd., 68506
Alyson A. Dreyer, 4245 South Street, 68506
R. Brad Harse, 710 "O" Street, Suite D, 68508
Larry and Terri Day, 4300 South Street, 68506
Rex Marquardt, 4130 Normal Blvd., 68506
Gayle E. Hile, 4303 South Street, 68506
Crauch@lps.org
Donald Warnke, 4125 South Street, 68506
Ralph and Mildred Wallin, 4200 Normal Blvd., 68506
Wayne and Gloria Robidoux, 4230 Normal Blvd., 68506
LaDona Claus, 4425 South Street, 68506
Virginia Ellis, 4242 South Street, 68506

i:\shared\wp\jlu\2003 cnotice.wvr\Waiver.03013

*Also sent to Witherbee
11/14/03 jlu*

003

RESOLUTION NO. PC- 00834

1 WHEREAS, Alan and Lisa Sasek have submitted for approval by the Planning
2 Director, the final plat of Simons 1st Addition, generally located at S. 43rd Street and
3 South Street; and

4 WHEREAS, Lincoln Municipal Code § 26.23.140 requires lots to have a maximum
5 lot depth of three times its width; and

6 WHEREAS, applicant has requested a modification to waive said requirement
7 pursuant to § 26.31.010 of the Lincoln Municipal Code to allow lots to exceed the width to
8 depth ratio on Lots 2 and 3, Simons 1st Addition; and

9 WHEREAS, the Planning Director has recommended approval of the requested
10 modification to § 26.23.140 of the Lincoln Municipal Code; and

11 WHEREAS, the Planning Commission finds that the strict application of all
12 requirements would result in actual difficulties or substantial hardship or injustice to the
13 property owner.

14 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
15 Planning Commission of Lincoln, Nebraska:

16 That the provisions of Section 26.23.140 of the Lincoln Municipal Code which
17 provide that a residential lots have a lot depth of three times its width is hereby waived.

18 All other Planning Director conditions for approval of the final plat of Simons 1st
19 Addition shall remain in full force and effect.

1 The foregoing Resolution was approved by the Lincoln City-Lancaster County
2 Planning Commission on this 12th day of November, 2003.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 12, 2003 PLANNING COMMISSION MEETING

P.A.S.: Waiver #03013

PROPOSAL: Waive Section 26.23.140 of the Land Subdivision ordinance requiring lots to have a maximum depth of three times its width. This request is associated with Simons 1st Addition Final Plat No. 03039.

LOCATION: S. 43rd Street & South Street

LAND AREA: 0.98 acres, more or less

CONCLUSION: The requested waiver is acceptable. The waiver allows for increased density.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2 and the west one-half of Lot 3, Simons Addition, located in the SW 1/4 of Section 32, Township 10 North, Range 7 East, Lancaster County, NE

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Single family house

SURROUNDING LAND USE AND ZONING:

North: R-2 Residential
South: R-2 Residential
East: R-2 Residential
West: R-2 Residential

HISTORY:

September 25, 2003: Final Plat #03039, Simons 1st Addition, was submitted to the Planning Department.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area as urban residential. (F-23)

Guiding Principles for the Urban Environment includes:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and more dwelling units per acre in new neighborhoods. (F-17)

Home ownership is the foundation upon which successful neighborhoods and communities are built. Citizens should be able to afford to buy a safe and decent home. (F-18)

Encourage mixed-use redevelopment, adaptive reuse and in-fill development including residential, commercial and retail uses. (F-18)

TRAFFIC ANALYSIS: South Street is classified as a minor arterial

ANALYSIS:

1. This request is to waive Section 26.23.140 of the Land Subdivision ordinance requiring lots to have a maximum depth of three times its width. Lots 2 and 3 exceed the width to depth ratio.
2. The waiver request is associated with Simons 1st Addition final plat.
3. The proposed plat is an appropriate infill development subdividing a large lot to increase density and use existing infrastructure.
4. The lot has 120' of frontage and is 300' deep. The exceptional depth of the lot allows for additional lots in the rear. This can only be accomplished by designing flag lots that have depth of more than three times its width.
5. Public Works & Utilities Department does not object to the waiver.
6. A meeting with the neighbors was held on October 9, 2003 to discuss the proposed subdivision and to see if there was any interest from adjacent property owners in subdividing their property. There was no interest from adjacent property owners in subdividing their property. It was explained that the proposed subdivision could hinder future subdivision of adjacent properties.
7. One letter in opposition was received from the resident at 4140 Normal Blvd.

Prepared by:

Tom Cajka
Planner

DATE: October 29, 2003

APPLICANT: Alan & Lisa Sasek
3711 Faulkner Dr. Apt 305
Lincoln, NE 68516

OWNER: Same as applicant

CONTACT: J. D. Burt
Design Associates
1609 "N" St.
Lincoln, NE 68508
(402) 474-3000

WAIVER NO. 03013

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 12, 2003

Members present: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward.

Staff recommendation: Approval.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted an additional six letters in opposition. The letters argue the points of increased traffic, decreased property values and a change in the appearance of the neighborhood which will have a detrimental effect on the neighborhood.

Proponents

1. J.D. Burt with Design Associates testified on behalf of Alan and Lisa Sasek, the purchaser of this property. He expressed appreciation to the staff for their help, their findings and analysis on this request. This is an attempt to provide an infill project with the existing zoning, with the rather minuscule development of adding 2 single family homes. Thus, Burt is not sure where the discussion comes about this proposal significantly increasing traffic and/or density. He does not know how 2 single family residences do that to an existing neighborhood. The vicinity sketch shows South Street on the north and to the south is Normal Blvd. South Street runs east/west and Normal Blvd. runs diagonal. This creates some extremely deep lots along South Street and along Normal Blvd. This application is associated with an administrative final plat. When submitting the plat, we did not realize there was a width-to-depth ratio problem. The request is for a 6-1 ratio instead of the 5-1 ratio that currently exists, which will provide some ability for an infill project.

Burt went on to suggest that in the bigger picture, if this were a vacant piece of ground, the applicant would probably construct an east/west street that might parallel South Street to Normal Blvd. to provide some more typical lot depths. But, we do not have that—we have existing residences.

Burt noted that during their conversations with Planning, they were asked to set up a meeting with the adjacent neighbors. Ray Hill of the Planning Department attended that meeting and this plan was shared with the neighbors with the intent of asking those neighbors if any of them had a desire to subdivide. Planning's position was that maybe we should not be looking at a plat, but rather a community unit plan and provide another public access to create more developable lots in the area. There was only one individual that had any desire to do that—a realtor owning several properties to the west closer to 40th Street. His property combined does not allow for a community unit plan. Carlson inquired whether Mr. Burt would have designs or site plans to show how that would function. Burt did not have any site plans. The Planning Department was the promoter of the neighborhood meeting and the applicant did not have a site plan at that time. The applicant believes this to be a minuscule project that is unobtrusive. The intent was to provide buildable lots.

In response to an inquiry by Taylor, Burt explained that the residence that exists on the property today is a white limestone residence. There is a large residence right next door and there may be some other properties further to the east that are set back.

Bills-Strand inquired whether the small lot on the back would be landlocked. Burt believes the east half of Lot 3 is owned by Lot 5, so it would not be landlocked. Steward confirmed that it would be another L-shaped configuration (owner-wise). Burt concurred.

Opposition

1. Alyson Dreyer, 4245 South Street, testified in opposition, referring to Mr. Burt's letter dated October 28, 2003, which states that, "The neighbors did not indicate opposition to the proposed plat." Dreyer advised that she did express concern about the driveway and putting two houses close together. She also pointed out that a lot of the neighbors did not get letters, i.e. property owners on the other side of South Street did not receive letters and she believes they would have some input with regard to the character of the neighborhood. Dreyer believes this waiver would indeed create undue hardship on the adjacent properties and to the neighborhood. This is a very unique neighborhood. The property owners do have land behind their houses. South Street and Normal Blvd. are very busy and the residents can get away from that by being in their back yards. Putting in more residences will set a precedent for the future. The existing property owners would lose the middle ground behind their houses and they would never be able to get away from the noise being created. These two households may not create a lot of traffic, but it does set a precedent. There is a lot of traffic on South Street. It would definitely take away from the character of this established neighborhood. These property owners have put a lot of money and time into their yards.

2. Virginia Ellis, 4242 South Street, testified in opposition. She has lived in this property for almost 37 years. There can't be any doubt about the density of traffic on South Street and its present problems. Look at the impact of adding heavy construction vehicles, mud, more entrances to the street, more strain on the existing water and sewer lines, and more garbage cans to blow away. This is an established neighborhood and the residents count their blessings for the quality of life with the green spaces that compensate for the traffic. The owners of the land in question surely knew that the zoning was R-2 when they purchased the property. The City Council has recognized the need for continuity in this neighborhood in the past.

3. Cheryl Rauch testified in opposition on behalf of her mother who lives in the duplex (the other L-shaped lot). She agreed with the previous testimony in opposition. Her concern is one of traffic because South Street is indeed an extremely well-traveled street throughout the day, especially during rush hours. Adding and contributing to this existing condition is a problem she foresees for potential accidents, etc. This type of request was denied many years ago.

4. Mildred Wallin, 4200 Normal Blvd., testified in opposition. She has lived on the property for 40+ years, which then had a two-lane gravel road. They were told there would be a park across the street, which was turned into a mega-apartment complex. Then they needed to improve the street so 5 lanes were constructed and you can hear cars go by all hours of the night. Between 7 a.m. and 9 a.m., it is impossible to get out of the driveway with cars backed up from 40th to 48th Street. Her neighbor has to leave home at 6:00 a.m. in order to get to work by 8:00 a.m. It takes an hour

for her other neighbor to get out of his driveway to take his child to school. We have lovely back yards and green spaces. We know our neighbors. There is no crime in our area.

5. Wayne Robidoux, 4230 Normal Blvd., testified in opposition. He is almost center to the property in question. Adding two single family houses means increase in cars, pets, and people coming in and out. He would really be disturbed with that type of traffic. It would really be three single family dwellings because there is already one on the property. We like the privacy, the neighbors and we would not want to be disturbed as proposed.

Response by the Applicant

Burt is not sure it is a density issue or a real traffic issue. The applicants are here seeking what they thought was a fair waiver, increasing the ratio to 6-1 with two single family dwellings. The purpose is to provide an opportunity for the developer to do something other than duplexes. This developer could build two attached single family townhouses in one structure without this waiver. However, they would like the opportunity to build two single family houses that are detached rather than being required to build two single family units that are attached.

Carlson inquired as to what can be developed by right. Tom Cajka of Planning staff stated that they have the area to do the sketch shown in the packet for an additional two lots. The subdivision ordinance requires that any lot shall have maximum depth of 3 times its width. To make the two lots work in the rear, they have to do flag shaped lots, with a driveway up South Street, which is what instigated the waiver request. The subdivision ordinance goes on to say, however, that the Planning Director may modify this requirement where the lot is occupied or intended to be occupied by the portion of a duplex or townhouse structure. Therefore, the applicant could do the townhouse as suggested, at the Planning Director's discretion. It would require an administrative approval because the lots have to have frontage and access to a street.

Marvin inquired about Analysis #6 which states that it was explained to the neighbors that the proposed subdivision could hinder future subdivision of adjacent properties. Cajka explained that the surrounding lots in this area are very deep, around 300'. The staff was attempting to look further into the future when other property owners might be interested in subdividing to make use out of some of the deeper lots. We met with the neighbors and made some sketches of how that would work, and basically, we looked at doing lots in the center with access onto Normal Blvd. With the deep lots there is adequate room for another street, losing one house that fronts Normal for a street access. The neighbors were not interested in further developing their property. If this waiver is approved, the possibility for other property owners to subdivide in the future may be more difficult.

Carlson is concerned about how the three lots would function in the rear yards of the other properties. He has an inclination to suggest a delay to provide the opportunity for the applicant to have some further design and site discussions with the neighbors. Burt stated that he is not in a position to do that. The owners had talked about building the single family residences themselves, and they have also talked about making the lots available to general contractors, so they do not have a site plan. They will be required to comply with the setbacks of the R-2 zoning district. He would guess that they would end up with a 30' rear yard along the back side. They purposely tried to combine the access points for the two lots with a common access easement. They have widened out the frontage since the meeting with the neighbors due to concerns about drainage. Burt believes the applicants have tried to be good neighbors.

Bills-Strand inquired whether the applicants live on the property in question and Burt indicated that they do not.

Taylor asked for staff's opinion as to how much impact two single family residences would have on traffic. Cajka submitted that the impact to traffic would be minimal--average of two cars per lot equals four cars. Public Works did not have any opposition to the request.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 12, 2003

Duvall moved approval, seconded by Bills-Strand for discussion.

Duvall believes this complies with the community's goal towards density. We are talking about two homes. This is part of the infill policy that we have been promoting.

Bills-Strand indicated that she has mixed feelings because Three Pines Court on "A" Street did not detract from the neighborhood. She sympathizes with the neighbors that live on busy streets with nice back yards to get away from the noisy street. But Three Pines is a good example of infill without an impact on the neighborhood.

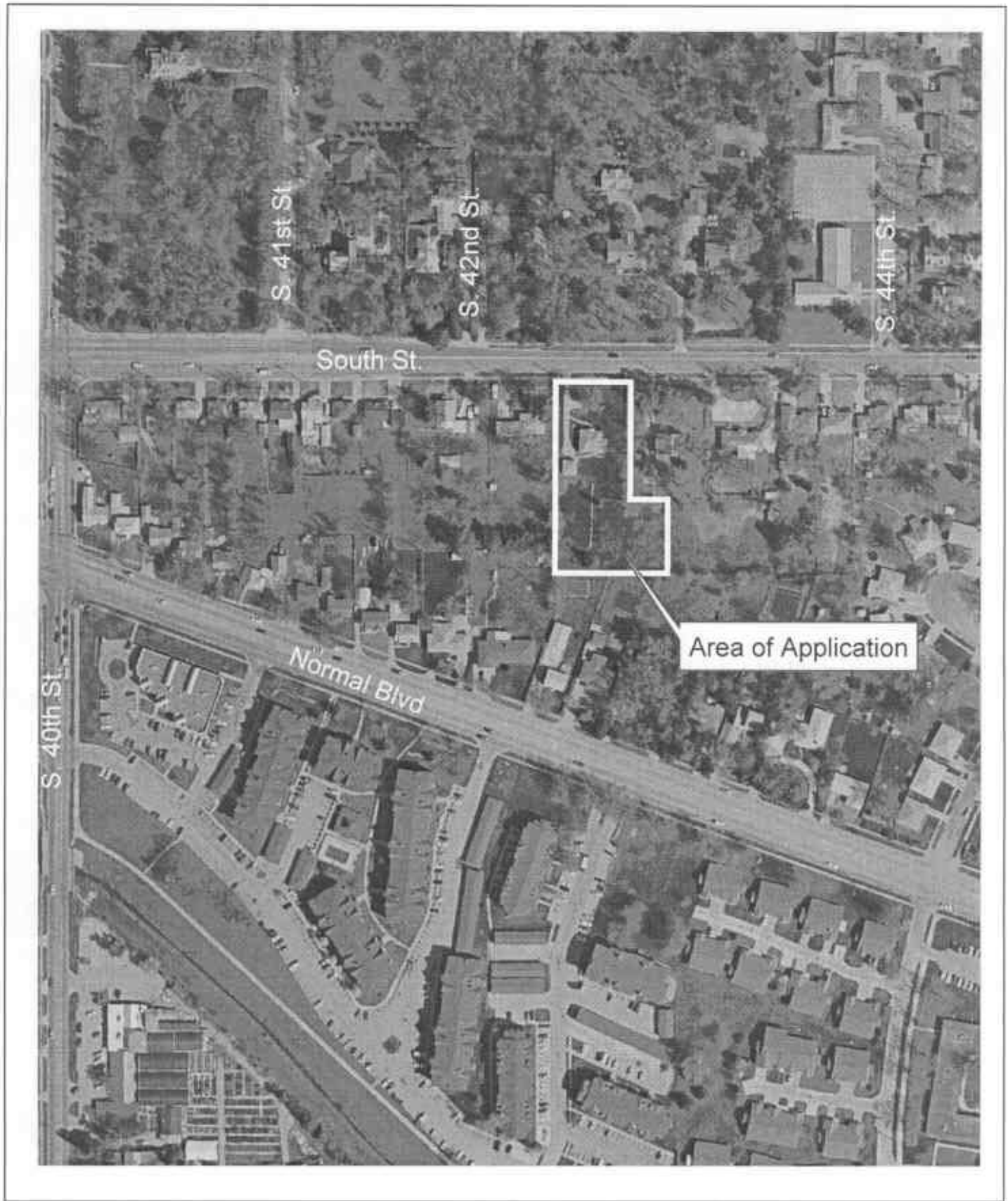
Marvin stated that he will vote against the proposal. All of the opposition has lived there for many, many years (all 25+ years). If he had his back yard disrupted after living there for 40 years, he is not sure he would be in favor.

Taylor indicated that he is having difficulty because "we're in a twilight zone"--we do not know what is going to happen to the property. According to our Comprehensive Plan, the idea of building even two residences is not a bad idea, but he believes that there has to be far more consideration for the neighbors and he would feel more comfortable if there were some sort of design plan before the Commission to provide more direction. He does not believe it will create a traffic problem, but there needs to be more consideration for the neighbors, giving them more input into the development. He would rather see a design come forward.

Steward stated that he will vote in favor. First of all, the Commission does not have the authority to ask for a design in this case. We have the very deep flag lots and, even though the residents have lived there with the benefit of that depth for a very long time, technically, he believes the staff's position is correct--that it can be divided and there is room for a normal condition of single family residences. As the applicant pointed out, they will be held to the setback standards as if they were on any other lot in an R-2 setting. This is very much like the circumstances of living adjacent to other properties that are irregularly formed where no one has taken the opportunity to do something about it until one day somebody does decide to develop, and he believes it is the property owner's right. It may infringe upon the pleasure of the adjacent property owners, but it is their right.

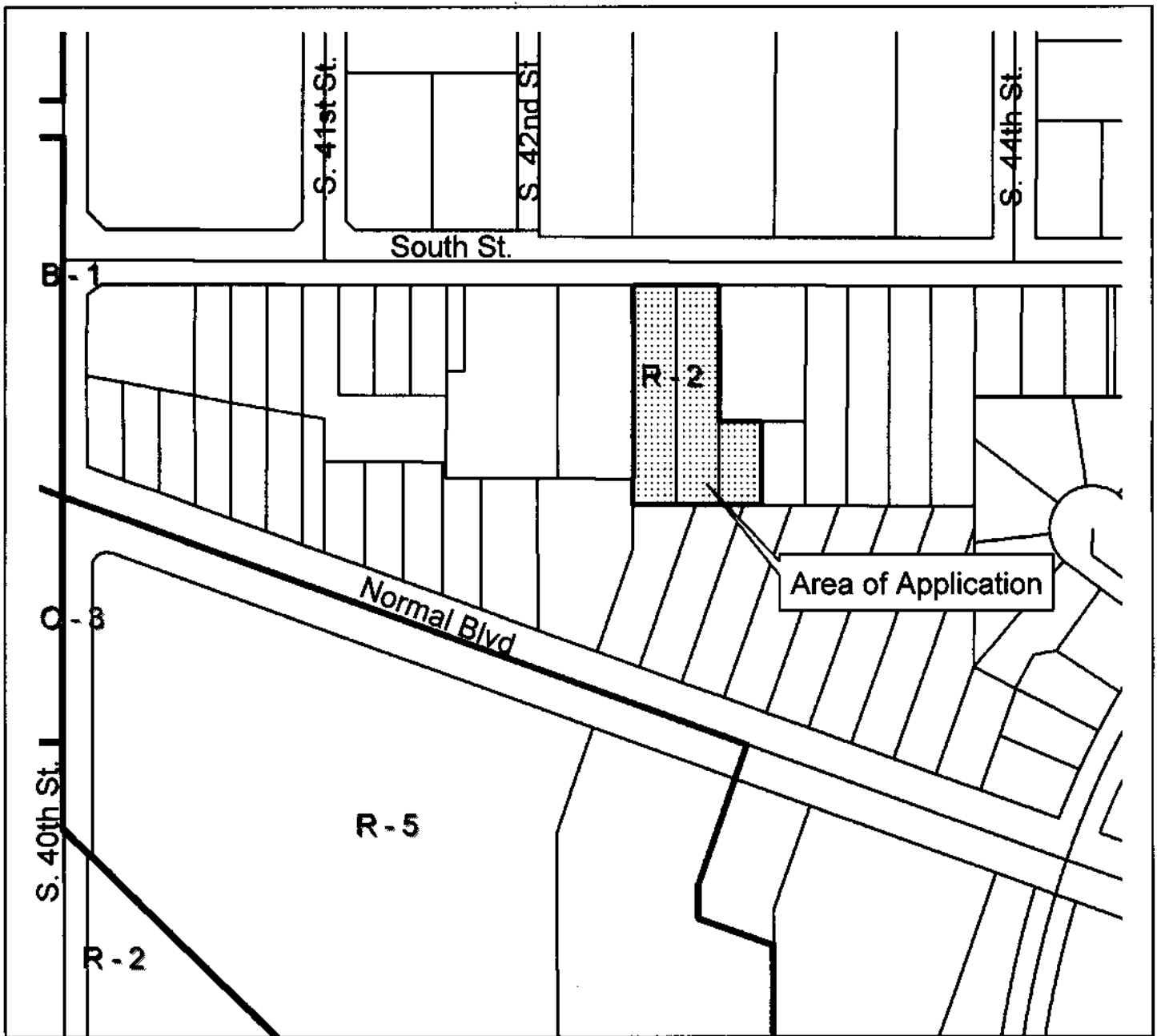
Motion for approval carried 5-3: Larson, Bills-Strand, Duvall, Krieser and Steward voting 'yes'; Carlson, Marvin and Taylor voting 'no'.

Note: This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Waiver #03013
S. 43rd & South St.



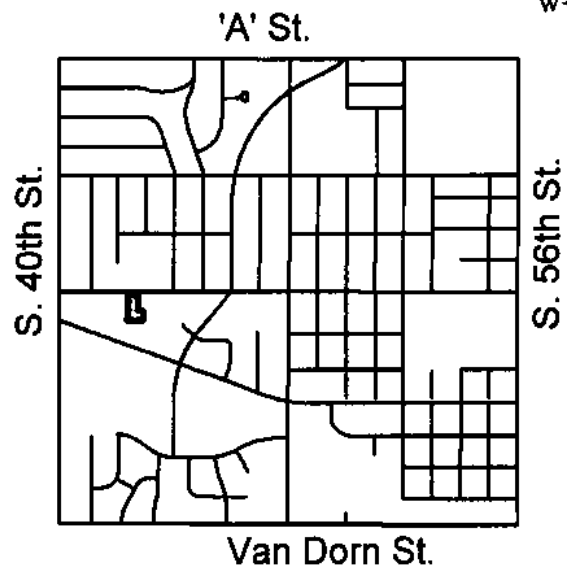
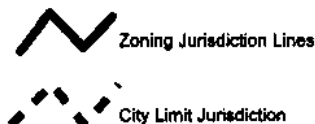


Waiver #03013 S. 43rd & South St.

Zoning:

One Square Mile
Sec. 32 T10N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

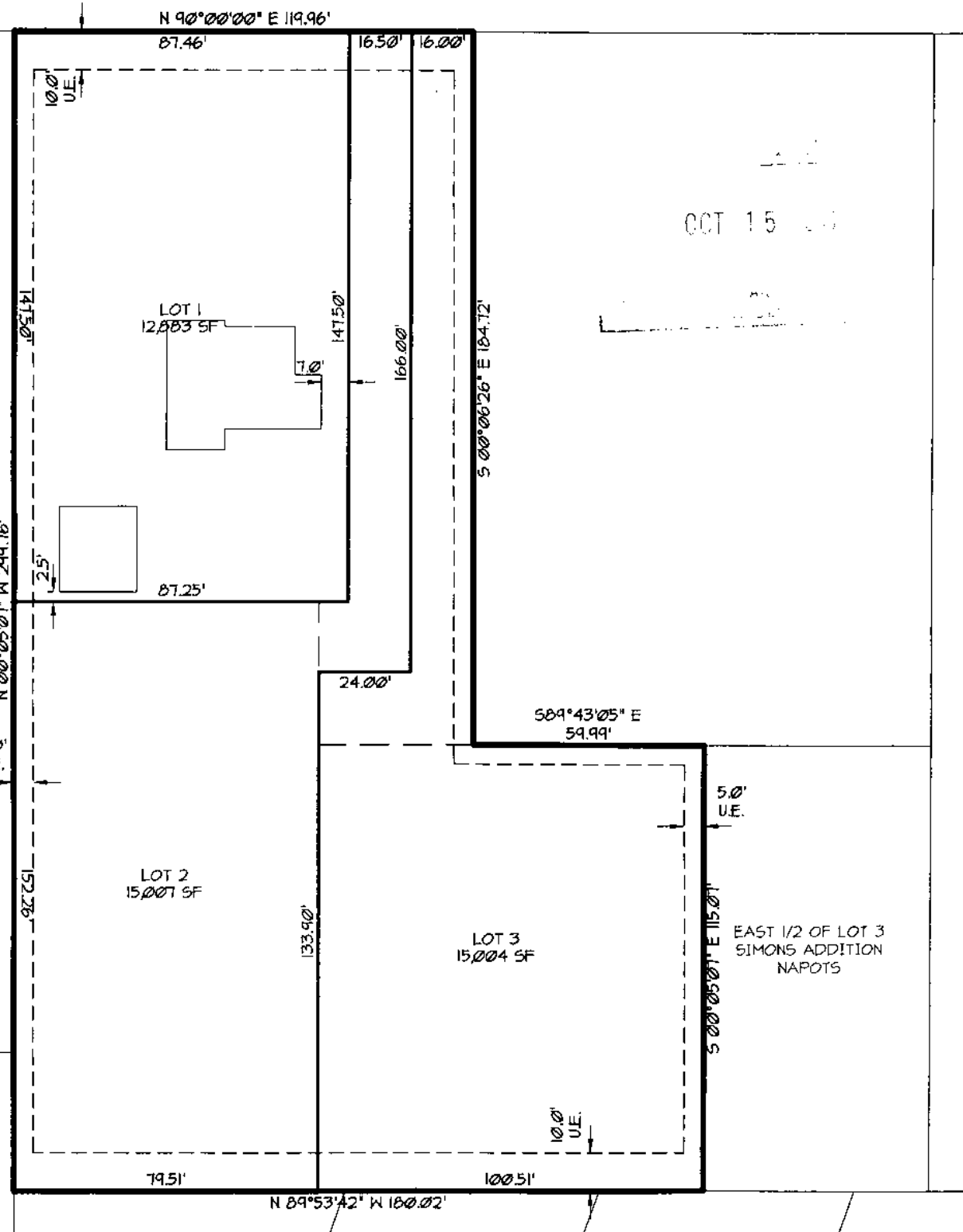


014

SOUTH STREET

LOT 218 I.T.
NAPOTS

LOT 221 I.T.
NAPOTS



DESIGN ASSOCIATES OF LINCOLN, INC

PERSHING SQUARE
1609 "N" STREET
LINCOLN NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-4045
desassoc@lincolnebraska.com



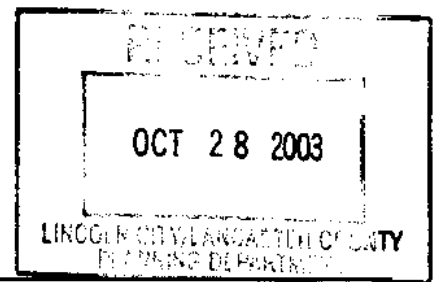
SIMONS 1ST ADDITION

SCALE: 1" = 40'

015

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045



October 28, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Simons 1st Addition- Waiver of Lot Width to Depth Ratio

Mr. Krout,

The referenced final plat has been submitted to your office for review and approval. The plat proposes to subdivide two existing lots, each with a width of 60 feet and depth of 300 feet, and one-half of an existing adjacent lot. The width to depth ratio of the existing lots is 5:1.

The submitted Simons 1st Addition final plat proposes reconfiguration of lot lines that will create one lot for the existing residence and two additional buildable lots. Single-family usage is proposed on the new lots. The buildable area in these lots is located south of the existing residence. The new lots are proposed to access South Street with a joint-use driveway located within a common access easement.

Review of the Land Subdivision and Zoning Ordinances shows compliance with all requirements of the existing R-2 zoning district for the lot associated with the existing residence. Review of these requirements for the two new lots reveals compliance with the minimum average lot width of 50' for single-family usage. However, the lot width to depth ratio of 6:1 for these lots is in excess of the maximum depth of three times the lot width.

The plat has been designed to allow development within an established neighborhood that will be limited to single family residences. The single-family limitation is based upon the minimal South Street frontage that is available for the proposed lots. A meeting was conducted to advise the neighbors of the proposed subdivision at the request of your staff. The neighbors did not indicate opposition to the proposed plat.

Approval of the final plat will provide an opportunity for two new residences within the established portion of the community without the need to construct or modify the existing infrastructure and without creating undue hardship on the adjacent properties.

Please advise if additional information is desired. Thank you in advance for your favorable consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Burt". The signature is written in a cursive, flowing style.

J.D. Burt
For the firm



"lucy anschutz"
<newbees2@neb.rr.com>
m>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: Public Hearing

11/02/2003 02:03 PM

City of Lincoln Nebraska
Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Lucy A. Anschutz
4140 Normal Blvd.
Lincoln, NE. 68506
newbees2@neb.rr.com

Dear Sirs:

This email is in response to your letter dated Oct. 31, 2003 concerning application for **WAIVER NO. 030313**. I wish to thank you for the opportunity to voice my opinion at the public hearing, however, I am unable to attend the scheduled meeting due to employment and family obligations.

I would like it to be known that my spouse and I are **NOT** in favor of the proposed subdivision of Lots 1, 2 and 3 of the Simons Addition located in the SW 1/4 of Section 32-10-7, Lancaster County, Nebraska. The owners of the adjacent lots to this proposed subdivision depend on these large irregular lots as a buffer from traffic noise originating on both South St. and Normal Blvd.. Elimination of this buffer would greatly reduce existing property values.

Please reexamine the need for any future development to this area and record this email as a **opposition vote** to the planned subdivision listed above.

Sincerely:

Lucy A. Anschutz
4140 Normal Blvd.
Lincoln, NE. 68506



DreyerAAD@aol.com

11/05/2003 10:06 PM

To: plan@ci.lincoln.ne.us
cc: mkrou@ci.lincoln.ne.us, jcamp@ci.lincoln.ne.us,
jcook@ci.lincoln.ne.us
Subject: opposition to waiver NO.03013

Dear Mr. Krout and Mr. Steward,

I am writing this letter to state my opposition to waiver (NO. 03013) which is requesting the width to depth ratio to be changed on lots 1,2 and 3 of Simons Addition, SW ¼ of section 32-10-7, Lancaster County, NE.

The proposed waiver will permit additional residents to build on the above mentioned lots. Allowing this waiver would impact the population and traffic density in this area. If you have ever driven in this area during morning and evening hours you are aware of the existing problem of traffic. Adding additional vehicles into this already bottleneck is not beneficial.

In April of 1998 the Lincoln City Council unanimously votes to oppose zoning and usage changes which would have increased traffic in the 40th Street, South Street, and Normal Boulevard areas. Many times throughout the day traffic is unable to clear the intersections because of the vehicles trying to get through the already congested streets. Living on South Street I hear many vehicle's screeching tires as residents are trying to enter their driveways. I believe placing even more congestion onto South Street is just bad planning.

I am asking you to deny the requested waiver (NO. 03013) as it will only compact the existing problem as well as set a poor precedence.

Thank you for your consideration on this matter.

Sincerely,

Alyson A. Dreyer
4245 South Street
Lincoln, NE 68506

IN OPPOSITIONITEM NO. 3.2: WAIVER NO. 03013
(p.21 - Public Hearing - 11/12/03)cc: Planning Commission
J.D. Burt
Public Works
LawR. Brad Harse
710 'O' Street, Suite D
Lincoln, NE 68508November 5, 2003
Via email, post & fax to 441-6377Mr. Marvin S. Krout, Director
Mr. W. Cecil Steward, Commission Chair
Lincoln-Lancaster County Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Dear Mr. Krout & Mr. Steward,

This letter is to inform you of my opposition to the requested waiver (#03013) to waive the lot width to depth ratio on lots 1,2 and 3 of Simons Addition, SW ¼ of section 32-10-7, Lancaster County, Nebraska.

The purpose of the requested waiver is to permit several additional residences to be built within the confines of 2 ½ lots. To do so will significantly increase both the population density and traffic density in the immediate area.

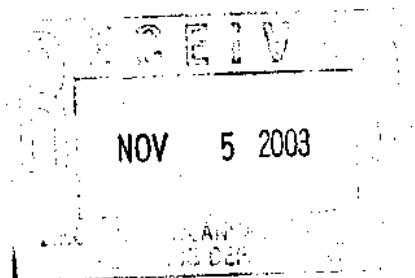
The Lincoln City Council is on record with a *unanimous* vote taken April 20, 1998 opposing zoning and usage changes which would contribute to increased traffic density in the bottleneck defined by the South Street, 40th Street, Normal Boulevard area of confluence where the streets cross at intersections surrounding a small triangle occupied by a Pinnacle Bank branch facility. Gridlock occurs several times per day in this area due to the inability of traffic to clear the intersections when traffic signals change.

The idea of contributing to the existing problem by increasing population density in the immediate area, with the accompanying multitude of additional vehicles streaming to the bottleneck is ill-conceived, bad planning and poor policy.

Please vote to deny the variance and put an end to this ill-conceived plan so we do not have to take up valuable City Council time with an appeal of your action.

Thank you for your consideration.

Sincerely,


R. Brad HarseCc: John Camp, Councilman, SE district
Johnathan Cook, Councilman, SW district
Glen Friendt, Councilman At Large



"Larry Day"
<LarryD@lisco.com>

11/12/2003 09:24 AM

To: <Plan@ci.lincoln.ne.us>, <Council@ci.lincoln.ne.us>,
<Gfriend@ci.lincoln.ne.us>, <Jcook@ci.lincoln.ne.us>,
<Mkrout@ci.lincoln.ne.us>
cc: <Rbharse@conceptmarket.com>, <Dreyeraad@aol.com>
Subject: Subject: Requested zoning waiver #03013

Subject: Requested zoning waiver #03013

We wish to go on record as opposed to the requested waiver #03013, changing the lot width to depth ratio for the property at 4215 South Street, and thereby authorizing subdivision of the property and construction of additional houses.

We have lived for 25 years at 4300 South Street, and have invested substantially in the restoration of a home my grandparents originally bought in 1921. The neighborhood has undergone some changes as South Street has been widened and traffic volume has dramatically increased, however it retains a unique character with a rich architectural variety, long-term residents, open spaces, and many magnificent trees. The low housing density provides an urban oasis and helps alleviate the traffic bottleneck in the area bounded by 40th, Normal, South, and 48th streets. The undesirable effects of additional entry and exit traffic within this area were recognized when the City Council voted unanimously in April 1998 to oppose zoning and usage changes for property east of 40th on South Street.

Our opposition to the requested waiver is based primarily on daily experience with the increasingly difficult traffic entry and exit on South Street. As on other residential arterials, the posted speed limit of 35 mph is ignored by many drivers on this stretch, adding danger to the delays and disruptions created by additional entry and exit traffic.

While considering traffic concerns raised by additional development in this area, the Planning Commission and City Council should also consider other potential impacts such as sewer and water capacity, and increased runoff from additional dwellings and paving which could create problems in the low-lying area encompassed by the waiver request. Private development can lead to public costs for infrastructure improvement in older neighborhoods just as it can in new subdivisions.

We ask that the Planning Commission deny the requested waiver to avoid the need for an appeal to the City Council.

Sincerely,
Larry and Terri Day
4300 South Street
Lincoln NE 68506

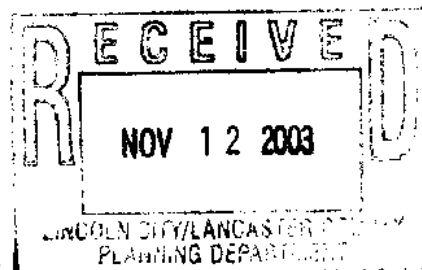
IN OPPOSITIONITEM NO. 3.2: WAIVER NO. 03013
(p.21 - Public Hearing - 11/12/03)

Dear City Council Members & Planning Commission.

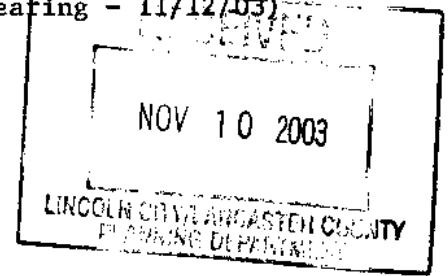
I have been a home owner at 4130 Normal Blvd. for 35 years. I have seen half my front yard taken away for 4 lane street and 100's of apartments built across the street. This has done nothing to the value of my home but increase traffic on Normal and on South 40th St. between Normal & South. On work days traffic is backed up past my drive way during rush hour. We have enjoyed our back yard with the trees and green space. But if you approve Waiver # 03013 that will be gone. Please oppose zoning Waiver # 03013.

Sincerely

Rep. A. McFarland



Gayle E. Hile
4303 South Street
Lincoln, NE 68506



November 9, 2003

Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Dear Gentleman,

I am writing this letter in opposition of your waiver no. 03013 to waive the lot width to depth ratio on S. 43rd Street & South Street. I moved to this neighborhood 30 years and have enjoyed the peacefulness and solitude we currently have in our back areas. Adding additional houses would do nothing but spoil what our neighborhood offers.

Nearly 25 years ago my husband contacted your office and inquired about placing a building or additional house in our area. We were informed we couldn't because there was no street access. We accepted and agreed with what the City voiced at that time. I find our past situation and the current one to be similar and I do not agree with placing additional houses of the lots in question. I believe property values will suffer and the added traffic is not needed.

I no longer drive because of my ill health but last year I nearly waited one-half hour to pull out of my driveway because of the heavy traffic we experience on South Street.

I also believe the lots should be grand-fathered based on how they were original setup and should remain in the same width to depth ratio. These ideas just ruin a lovely neighborhood.

I am not able to attend the meeting on November 12th because of my ill health and transportation but I would like to voice I am not at all in favor of what is currently proposed.

Sincerely,

Gayle E. Hile

Gayle E. Hile

IN OPPOSITION

ITEM NO. 3.2: WAIVER NO. 03013
(p.21 - Public Hearing - 11/12/03)



crauch@lps.org

11/10/2003 01:11 PM

To: plan@ci.lincoln.ne.us

cc:

Subject: WAIVER No. 03013

To Whom It May Concern:

I am writing this e-mail to protest the application for the property on South Street to build 2 additional houses in our backyards. The reason we purchased the properties in the first place was to enjoy the fact that we did not have neighbors at our "back door". This additionally will effect the resale value of our property. I certainly hope that the wishes of a few does not over ride the wishes of the neighborhood. Thank you for your time.



crauch@lps.org

11/10/2003 01:41 PM

To: plan@ci.lincoln.ne.us
cc:
Subject: WAIVER NO. 03013

My mother and I are concerned property owners in the area concerned with the waiver for building 2 additional homes on a newly purchased property on South Street. My parents purchased the property my mother lives in because of the fact they had no "backyard" neighbors. The addition of homes is also a concern because it would result in a decline in the resale value of our property. I sincerely hope that you listen to the neighbors that are directly affected by this issue, rather than the few that are planning their money making endeavor.



"Donald Warnke"
<drwarnke@msn.com>

11/11/2003 03:44 PM

To: plan@ci.lincoln.ne.us
cc: dreyeraad@aol.com
Subject: Waiver No. 03013

RE: Waiver NO. 03013

As homeowners for 24 years at 4125 South Street, we are strongly opposed to zoning waiver No. 03013.

This waiver will only encourage others to build behind our homes and we are very concerned how this will effect our property value. We have seen a decline in the appearance of the neighborhood as more and more houses are becoming rental properties.

There is already a traffic problem surrounding the area (South St./40th St./Normal Blvd.) With the approval of this zoning action allowing more homes in the area, the problem will only be increased.

This is an older neighborhood with large lawns and trees and we would like to keep it that way. Building more houses would take away from that, as well as the privacy we enjoy from our back yards.

Please do not allow this application to pass.

Sincerely,
Donald R. and Debra R. Warnke

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IN OPPOSITION

ITEM NO. 3.2: WAIVER NO. 03013
(p.21 - Public Hearing - 11/12/03)

RALPH WALLIN
MILDRED WALLIN
4200 NORMAL BLVD.
LINCOLN, NEBRASKA 68506

Lincoln-Lancaster County Planning Department
Marvin S. Krout, Director
W. Cecil Steward, Chair

Re; WAIVER; NO. 03013
S. 43rd Street & South Street

Dear Sirs;

We have lived in our home at 4200 Normal Blvd. for 50 years. We have had to live with several changes during those years. We have gone from a two lane graveled street to a five lane street.

The building of a huge Apartment mega complex at 4100 Normal Blvd greatly increased the flow of traffic on Normal Blvd, as well as 40th St and South St. We feel that adding additional houses would cause more traffic problems.

If houses are built behind our homes, it will create a precedence for future builders to do the same and invade our privacy with additional noise and traffic.

We have to consider how this over development would affect the value of our property

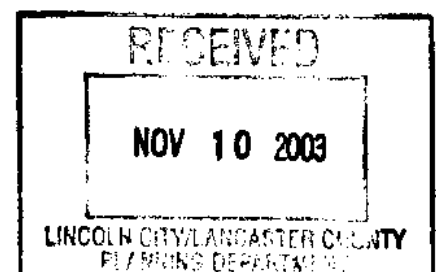
The homes in this neighborhood are well maintained. We now have beautiful back yards, with playgrounds, flower gardens, vegetable gardens, ponds, and trees.

Please don't take all of these away from us by allowing houses to be built in our back yards.

Thank you for your help in keeping our neighborhood properties as they were intended to be.

Yours truly,

Ralph and Mildred Wallin
4200 Normal Blvd.
Lincoln, Nebraska 68506



City Council of Lincoln Nebraska
555 South 10 Street Lincoln, Nebraska
68506

Nov. 8, 2003

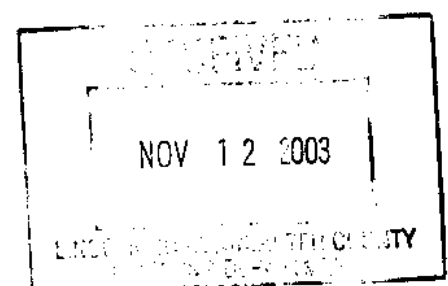
Council Members

We oppose zoning waiver (NO 03013) the City Planning Commission to waiver the lot width to depth ratio at S 43rd & South Street (lots 1,2, and 3 of Simons Addition SW $\frac{1}{4}$ of section 32-10-7, Lancaster County, NE), which would allow the new owners to put additional houses on the existing, lots.

For the following reasons we oppose: Our back yard butts the property that the waiver is being asked. Our home (Lot 14 Simons Addition) is on Normal Blvd. Our property has already depreciated because of heavy traffic. Building behind us would also depreciate the value of our property with traffic. It also would diminish our back yard privacy that we have had the last 40 years. It could increase the risk of vandals and require more police and fire protection. We feel they are asking us to depreciate our property and increase theirs at our expense.

Wayne & Gloria Robidoux
4230 Normal Blvd.
Lincoln, Ne. 68506

Wayne & Gloria Robidoux



027



"Claus, LaDona"
<lclaus@lps.org>

To: plan@ci.lincoln.ne.us
cc:
Subject: oppose waiver 03013

11/06/2003 08:34 AM
Please respond to lclaus

To Whom It May Concern

I am writing to oppose waiver 03013; lot width/depth ratio.

I am a homeowner at 4425 South St and have heard from my neighbors west of me regarding the proposal to change the lots at 4215 South St. I can't imagine what this would do to the neighborhood. Yes we deal with lots of traffic living on a major arterial, but to add more traffic in this manner seems ridiculous. And it would add traffic, besides all the construction that will occur if this does go through. Are we really running out of real estate in the city that we have to go into established neighborhoods and cut up lots.

Hopefully you will take into consideration the feelings of the neighborhood.

Thank you
LaDona Claus



Virginia Ellis
<vellis@softhome.net>

11/05/2003 10:19 PM

To: plan@ci.lincoln.ne.us
cc: mkrou@ci.lincoln.ne.us, jcamp@ci.lincoln.ne.us,
jcook@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us
Subject:

City-County Planning Commission:
Marvin S. Krout
W. Cecil Steward

Please be informed that I strongly oppose the requested waiver #03013, which would waive the lot width to depth ratio on the property described as Lot 1, lot 2 and a portion of Lot 3, Simons Addition, located in the SW 1/4 section 32-10-7, Lancaster County, NE located in the 43rd and South St area.

The purpose of the waiver request is to permit several additional residences to be built in the 2 and 1/2 lots. This will significantly increase both the population and traffic density in the area.

In April, 1998 the Lincoln City Council voted unanimously to oppose any zoning and usage changes which would contribute to the increased traffic density in the 40th and South St, and Normal Blvd. area.

Please vote to deny the variance as proposed by this requested waiver so we can continue to enjoy our pleasant neighborhood without taking up the City Council's valuable time with an appeal.

Sincerely,
Virginia M. Ellis
4242 South St.
Lincoln, NE 68506